

**UNITED STATES OF AMERICA,** )  
 )  
 )  
 **v.** )  
 )  
 )  
 **LARRY DAVIS,** )  
 )  
 **Defendant.** )

Upon consideration of the Motion of the United States of America, by and through Edward R. Ryan, Acting United States Attorney for the Western District of North Carolina, and with consent of Defendant Larry Davis, by and through counsel Deke Falls, Esq., to dismiss Counts Six and Seven of the Superseding Bill of Indictment,

**IT IS FURTHER ORDERED** that, with the parties' consent, the Defendant's pending motion to suppress evidence (Document #16) is denied as moot, because both parties agree that neither party will seek to present, at trial during their case in chief, evidence obtained during the execution of the contested search warrant; however, the United States reserves its right to present such evidence for rebuttal or impeachment purposes.

**SO ORDERED.**

Signed: October 20, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

